

# **EXHIBIT 5**

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**From:** Kass, Colin  
**Sent:** Thursday, December 24, 2015 12:56 PM  
**To:** Munkittrick, David A.  
**Subject:** Fwd: In re Automotive Parts Antitrust Litigation (Master Case No. 2:12-md-02311)

----- Forwarded message -----

From: "Novison, Heather" <[Heather.Novison@weil.com](mailto:Heather.Novison@weil.com)>  
To: "Kass, Colin" <[CKass@proskauer.com](mailto:CKass@proskauer.com)>  
Cc: "[OEM\\_subpoenas@lists.susmangodfrey.com](mailto:OEM_subpoenas@lists.susmangodfrey.com)" <[OEM\\_subpoenas@lists.susmangodfrey.com](mailto:OEM_subpoenas@lists.susmangodfrey.com)>  
Subject: In re Automotive Parts Antitrust Litigation (Master Case No. 2:12-md-02311)  
Date: Thu, Dec 24, 2015 12:18 PM

Dear Colin:

We are writing on behalf of the End Payor Plaintiffs (EPPs); Truck and Equipment Dealer Plaintiffs (TEDPs); the State of Florida; the State of Indiana; and Defendants (collectively, the "Moving Parties") in the Auto Parts actions. We have carefully reviewed your letter of December 18, 2015, in which the subpoenaed entities refuse to produce virtually any of the documents and data sought in the OEM subpoenas. Accordingly, we are at impasse, and the Moving Parties intend to move to compel the subpoenaed entities' compliance with the served subpoenas on or before January 15. We propose the following schedule for opposition and reply:

Opposition: due February 5  
Reply: due February 19

Thank you and happy holidays.



**Heather A. Novison**

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